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Rights of indigenous peoples: rights of indigenous peoples

Compilation of views on possible measures necessary to enable the participation of indigenous peoples' representatives and institutions in relevant United Nations meetings on issues affecting them, and of good practices within the United Nations regarding indigenous peoples' participation

Note by the President of the General Assembly

The General Assembly, in its resolution 70/232 of 23 December 2015, requested the President of the General Assembly to conduct timely, inclusive, representative and transparent consultations with Member States, indigenous peoples' representatives and institutions from all regions of the world, and existing relevant mechanisms of the United Nations, on the possible measures necessary, including procedural and institutional steps and selection criteria, to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, and also requested the President to prepare a compilation of the views presented during the consultations, including good practices within the United Nations regarding indigenous peoples' participation, which would form the basis for a draft text to be finalized and adopted by the Assembly during its seventy-first session.

Pursuant to that request, on 18 February 2016, the President of the General Assembly appointed four advisers to conduct consultation as follows: two from Member States, namely Kai Sauer, Permanent Representative of Finland, and Martha Ama Akyaa Pobee, Permanent Representative of Ghana, as well as two from indigenous peoples, namely, Claire Winfield Ngamihi Charters from the Pacific region, and James Anaya from the North America region.

I now have the pleasure to transmit herewith a compilation of views on possible measures necessary to enable the participation of indigenous peoples' representatives and institutions in relevant United Nations meetings on issues affecting them, and of good practices within the United Nations regarding indigenous peoples' participation, to form the basis for a draft text to be finalized and adopted by the General Assembly at its seventy-first session (annex I) as well as elements for discussion during the seventy-first session of the Assembly (annex II).

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Annex I

Compilation of views on possible measures necessary to enable the participation of indigenous peoples' representatives and institutions in relevant United Nations meetings on issues affecting them, and of good practices within the United Nations regarding indigenous peoples' participation, to form the basis for a draft text to be finalized and adopted by the General Assembly at its seventy-first session

I. Background

1. At the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, Member States committed themselves to considering ways to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them (resolution 69/2, para. 33) and requested the Secretary-General to report to the General Assembly and submit specific proposals to enable the participation of indigenous peoples' representatives and institutions, building on the report of the Secretary-General on ways and means of promoting participation at the United Nations of indigenous peoples' representatives on the issues affecting them (ibid., para. 40).

2. In his report on progress made in the implementation of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples (A/70/84-E/2015/76), the Secretary-General made concrete proposals on enabling the participation at the United Nations of indigenous peoples' representatives and institutions. He also reiterated a series of considerations for the participation of indigenous peoples' representatives in the United Nations, namely:

(a) Procedures that will make the participation of indigenous peoples' representatives meaningful and effective;

(b) Criteria for determining the eligibility of indigenous peoples' representatives for accreditation as such;

(c) Nature and membership of the body to determine the eligibility of indigenous peoples' representatives for accreditation;

(d) Details of the process, including the information required to be submitted to obtain accreditation as an indigenous peoples' representative.

3. These considerations, together with the background documents,[a] have guided the consultations in March-June 2016 conducted by the advisers to the President of the General Assembly (see below). This draft compilation is based primarily on the submissions to the electronic consultation and contributions made during the consultations held on 11 and 18 May and 30 June 2016 in New York.

[a] See www.un.org/development/desa/indigenouspeoples/participation-of-indigenous-peoples-at-the-united-nations.html.

II. Consultations

4. The General Assembly in resolution 70/232 of 23 December 2015:

Request[ed] the President of the General Assembly to conduct, within existing resources, timely, inclusive, representative and transparent consultations with Member States, indigenous peoples' representatives and institutions from all regions of the world, and existing relevant mechanisms of the United Nations, on the possible measures necessary, including procedural and institutional steps and selection criteria, to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, and also requests the President to prepare a compilation of the views presented during the consultations, including good practices within the United Nations regarding indigenous peoples' participation, which will form the basis for a draft text to be finalized and adopted by the Assembly during its seventy-first session.

5. The President of the General Assembly appointed in February 2016 four advisers to assist him in fulfilling his mandate with respect to consultation and the compilation of views concerning indigenous peoples' participation at the United Nations.

6. The President of the General Assembly launched the consultation process with an electronic consultation on 7 March 2016. The first face-to-face consultation occurred on 11 May 2016. The second face-to-face consultation was held on 18 May 2016. The third and final face-to-face consultation was held on 30 June 2016. The advisers also held meetings with the Special Rapporteur on the rights of indigenous peoples, the Chair of the Expert Mechanism on the Rights of Indigenous Peoples and members of the Permanent Forum on Indigenous Issues, as well as interested delegations of Member States and indigenous peoples. This compilation reflects the responses provided to the President of the General Assembly at the consultations and meetings. It also provides a preliminary outline of good practices within the United Nations regarding indigenous peoples' participation.

III. Summary of contributions

7. In the first and second drafts of the compilation the advisers attempted to summarize in a comprehensive way all of the views expressed. In the third and this final draft, to constructively present a balanced compilation, an attempt is made to summarize the various views that appear to have some support while also noting points of difference at this stage in the process. Where appropriate, some further thoughts are offered on outstanding questions that all parties might like to continue to reflect upon in more depth and on the legal and procedural parameters that regulate the process of enhancing indigenous peoples' participation at the United Nations.

8. Some delegations referred to the need for the United Nations Declaration on the Rights of Indigenous Peoples to guide the proposals to enhance indigenous peoples' participation at the United Nations, including articles 3, 5, 18, 19, 20, 32, 33, 41 and 42.

A. Suggested venues of participation

9. While noting the status and territorial integrity of States as set out in the Charter of the United Nations as well as in article 46 of the United Nations Declaration on the Rights of Indigenous Peoples, most responses have in principle indicated the need for enhanced forms of participation for indigenous peoples in United Nations bodies affecting them, although some responses have expressed concerns about moving in that direction.

10. Some noted the affirmation of indigenous peoples' right to self-determination as reflected in the Declaration on the Rights of Indigenous Peoples as well as other articles in the Declaration setting out indigenous peoples' rights to participate in processes that have an impact on them.

11. There was considerable (but not uniform) support expressed for a separate category of participation in the United Nations, including in the General Assembly, for indigenous peoples, as the current procedures and practices such as those applicable to non-governmental organizations accredited to the Economic and Social Council do not naturally or sufficiently accommodate the participation of indigenous peoples as indigenous peoples in United Nations bodies.

12. There appears to be a convergence of views among those responding that, at a minimum, the level of indigenous peoples' participation at the United Nations should not fall below that of non-governmental organizations accredited to the Economic and Social Council and, further, should not in any way undermine existing unique procedures permitting the participation of indigenous peoples' organizations in the Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues.

13. Participation in the General Assembly remains centred on States Members of the United Nations as well as, albeit to a lesser degree, non-member States and entities and organizations having received a standing invitation to participate as observers in the sessions and the work of the General Assembly. Not all organizations having received an invitation to participate as observers in the General Assembly are intergovernmental organizations. There is not one singular resolution setting out the forms of participation for observers in the General Assembly. The specific forms of participation by the individual observers are regulated by organization-specific General Assembly resolutions and decisions and the rules and practices of the General Assembly.

14. Some mentioned General Assembly decision 49/426 of 1994, in which the Assembly decided that the granting of observer status in the General Assembly should be confined to States and to those intergovernmental organizations whose activities cover matters of interest to the Assembly. Others noted that in practice a few entities that are not intergovernmental organizations have received, by a resolution, a standing invitation to participate as observers in the General Assembly. Moreover, others again have stressed that the focus in this process is on the establishment of a new and unique category for indigenous peoples' participation in the General Assembly. Advice received indicates that the General Assembly has the authority to do so.

15. Some States stressed the need for coherence and consistency in the treatment of non-State actors and their rights to participate in the United Nations, and also stressed how a new category might impact on the participation of indigenous groups

and/or non-governmental organizations in the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples. Another view was expressed that it is potentially discriminatory to exclude indigenous peoples from an invitation to observe the General Assembly when other non-State actors have an invitation to observe the General Assembly.

16. Another view was that indigenous peoples are not States and thus should not be accorded a so-called "permanent observer status", which is similar to the view that the intergovernmental nature of the United Nations, and in particular of participation in the General Assembly, should be maintained.

17. Some expressed concern about potential practical implications of enlarging the General Assembly to include observers for indigenous peoples' organizations, although others noted that this should not be an obstacle to enhancing indigenous peoples' participation and can be addressed practically. Some suggested that these issues can be managed just as the participation of non-State actors is managed in, for example, the Economic and Social Council and the Human Rights Council and their respective subsidiary bodies. For example, spaces for indigenous peoples' representatives speaking in the General Assembly might be managed by procedures setting out specific times and a set number of speaking spots for accredited observer indigenous peoples' organizations. Those speaking slots might be, under one suggestion, allotted by regions (understood from an indigenous-regions viewpoint). In this way observer indigenous peoples' organizations would not be limited in number but, in the interests of the efficient organization of General Assembly meetings, speaking opportunities might be.

18. Some are of the view that mechanisms to enable unique forms of participation for indigenous peoples should be first established in only some United Nations bodies such as the Economic and Social Council, the Human Rights Council and their subsidiary bodies.

19. Another view was that more research was required into how indigenous peoples use existing opportunities to participate in the United Nations and that more information should be provided about already existing opportunities. Moreover, the view was expressed that it might perhaps be appropriate to first consider how the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples might be strengthened.

20. Many mentioned the need for indigenous peoples' guaranteed participation in all United Nations programmes and funds and the specialized agencies, as well as in conferences of the parties to United Nations treaties. Advice received suggests that the General Assembly does not have the authority to require indigenous peoples' participation in all activities or entities associated with the United Nations.

21. Moreover, generally the General Assembly does not determine procedures for participation in the Economic and Social Council. For the Human Rights Council it has done so in resolution 60/251, by which it established the Council; the rules for participation of observers of the Council were subsequently confirmed by the Human Rights Council itself in its rules of procedure. However, the General Assembly may recommend that the United Nations as a whole, including all associated entities and processes, enhance participation of indigenous peoples and it is anticipated that such a recommendation would be influential. There was considerable support expressed for such a General Assembly recommendation.

22. It was also noted that there is a relationship between the rules and procedures regulating indigenous peoples' participation and the appropriate venues for indigenous participation and forms of participation. In other words, the view was expressed that the clearer and stricter the rules and procedures to accredit indigenous peoples' institutions the more likely it is that there would be agreement on enhanced levels of indigenous institutions' participation in the higher-level United Nations bodies such as the General Assembly.

23. Some are of the view that almost all issues addressed in the United Nations affect indigenous peoples. Many also maintain that indigenous peoples' representative institutions and organizations should have the right to participate in all United Nations bodies which indigenous peoples themselves judge to affect their interests.

24. Some expressed the need to ensure that indigenous peoples' representative institutions from all regions have in practice and in principle the same rights and capacity to participate in the United Nations.

B. Participation modalities

25. Some are of the view that the specific forms of indigenous participation in the General Assembly should be consistent with those of the vast majority of current holders of observer status in the General Assembly, namely intergovernmental and other organizations. This would include, for example, the right to speak, but not the right to reply, the right to take initiatives or the right to vote. Others referred to the need for adequate seating and access to documents for indigenous peoples' representative institutions.

26. Specific times and a set number of speaking spots for accredited observer indigenous peoples' institutions could be created.

27. In addition, the view was expressed that indigenous peoples should not be included in formal meetings for drafting negotiations on resolutions in the General Assembly context. The contrary view was also expressed: that indigenous peoples should be included in resolution drafting and negotiation sessions in all relevant bodies of the United Nations.

28. At the same time, some are of the view that indigenous peoples' participation in the Economic and Social Council and its subsidiary bodies and the Human Rights Council and its subsidiary bodies should be improved and might be greater than in the General Assembly, for example, with respect to opportunities to speak and disseminate written material.

29. The view was expressed that indigenous peoples' institutions should not take priority over non-governmental organizations accredited to the Economic and Social Council in speaking order or seating arrangements in the Economic and Social Council or the Human Rights Council. Others maintain the contrary, namely that indigenous representative institutions should be afforded some priority as representatives of peoples when issues especially relevant to indigenous peoples are addressed.

30. However, there appears to be a convergence of views among those responding that, at a minimum, indigenous peoples' modalities of participation at the United

Nations should not fall below those of non-governmental organizations accredited to the Economic and Social Council.

C. Method of selection/recognition (accreditation)

31. Most proposals recommended the establishment of a new body to recognize and accredit indigenous peoples' representative institutions as eligible for a new category of participation. Suggestions in this regard included that the new body would consist of both indigenous peoples' representatives and States or, alternatively, indigenous and State-appointed independent experts. Independent experts might be appointed using the method currently employed to select members of the Permanent Forum on Indigenous Issues.

32. Some suggested that the experts of the Permanent Forum on Indigenous Issues might be mandated to oversee accreditation, while others maintain that any new arrangement should be separate from any existing United Nations bodies or mechanisms, in part to allow the Permanent Forum to focus on its existing mandate. Another suggested that the accreditation process include both a domestic accreditation council and an international accreditation council, both being composed of both indigenous and State appointees of representatives. There was a further suggestion that, for a body to qualify as an indigenous peoples' representative institution, State approval must first be obtained.

33. Conversely, some rejected the establishment of any body external to indigenous peoples for accreditation. On the other hand, some suggested that the accreditation body be composed mainly of States, and/or the use of a "non-objection" procedure. There was however some opposition expressed to the use of a "non-objection" procedure. Another suggestion was that there be a two-step process, with recommendations from a new indigenous accreditation body being reviewed by the General Assembly and the final decision resting with the General Assembly.

34. Another suggestion focused on enhancing existing accreditation procedures for bodies such as the Permanent Forum on Indigenous Issues instead of establishing a new accreditation body.

35. A number of contributors recommended that membership in the new accrediting body be balanced by geographic area — including equality in membership of individuals from the global North and the global South — and gender representation.

36. There was some discussion, albeit largely inconclusive at this point, on whether any accreditation body should be established under the Economic and Social Council or the General Assembly.

D. Additional relevant factors for indigenous peoples' representative institutions to qualify for a new category of participation

37. There appears to be a convergence of views that qualification for a new category of participation should centre on indigenous peoples' representative institutions. Some are of the view that such institutions should be limited to indigenous governance institutions while others consider that such representative institutions should be understood broadly and flexibly to include different types of organizational structures.

38. Some propose that a definition of indigenous peoples' representative institutions is required, with one State citing the criteria of Convention No. 169 of the International Labour Organization, while others disagree with any attempt to define indigenous peoples or their institutions in any way. Others suggest that, instead of a definition, there might be factors to be taken into account in a flexible manner.

39. There is also the suggestion that if the process and criteria for accreditation are clearer then there might be a greater willingness to enhance indigenous peoples' participation in the United Nations, including in the higher echelons. On the other hand, there is a suggestion that if States have a greater or final say in determining accreditation, there is less of a requirement for a definition.

40. Many indigenous peoples have multiple representative institutions within and across States and regions. There are often layers of representation that include local, regional, State and international levels.

41. There appears to be considerable agreement that indigenous peoples and their representative institutions need to be distinguished from non-governing organizations, organizations composed of indigenous voluntary members or non-indigenous peoples' organizations. The point was made that it would undermine indigenous peoples' governing institutions if other types of indigenous organizations were entitled to the same category of participation. The point was made that an institution should not be eligible to qualify as both a non-governmental organization accredited to the Economic and Social Council and an indigenous peoples' representative institution.

42. On the other hand, questions remain as to whether, for example, indigenous women's organizations or organizations representing indigenous individuals who are not resident on indigenous territories should qualify for a new category of participation as indigenous peoples' representative institutions. Some maintain that global indigenous peoples' institutions such as indigenous women and youth organizations should be eligible for enhanced participation in the United Nations system.

43. There remains a need for clarity around the type of institution that should be eligible for accreditation. Some maintain that it should be confined to governance institutions, including governing councils, parliaments, and traditional authorities, while others claim that not all indigenous peoples' representative institutions can be accurately described as governing, in some cases because of the impact of colonization and/or dispossession, and should not be denied eligibility as a result. Some maintain that eligibility should extend to organizations that represent more than one indigenous people. Others are concerned to ensure that eligibility does not extend to indigenous organizations that may be able to apply for accreditation to the Economic and Social Council as non-governing organizations but that do not actually represent indigenous peoples. Another expressed the view that one indigenous people might be represented by more than one indigenous peoples' representative institution and that there should be flexibility in accommodating multiple forms of indigenous peoples' organizational structures.

44. There is considerable support for the view that State recognition of an organization as representative of an indigenous people, although a relevant factor, should not be a prerequisite for eligibility for accreditation as an indigenous

peoples' representative institution. Many took the view that a necessary factor for qualifying as an indigenous peoples' representative institution is that it genuinely represent one or more people that self-identify as indigenous. Other factors cited as relevant include that the institution represent a people with ancestral connections with their lands, territories and resources, who share history, language and culture, who exercise the collective rights of the people and who have the authority to practice self-government and, where relevant, who have entered into treaties, agreements or other constructive arrangements.

45. One submission recommended that the information required to obtain accreditation be flexible enough to take into account the wide variety of indigenous peoples' governance institutions, including traditional forms of governance, regional representative councils and parliaments.

46. There appears to be considerable agreement that indigenous peoples' representative institutions should have the exclusive authority to designate their own individual representatives in accordance with their own procedures but the said representatives should have appropriate credentials from the institutions that they represent. Similarly, there is support for the view that indigenous representatives should be recognized by their own constituents as such.

E. Comments on resources with respect to enhanced participation

47. A number of participants requested more information about the financial implications of the proposals to enhance indigenous peoples' participation at the United Nations, pointing out that the budgetary implications of enhanced participation need to be considered. Others considered that, while relevant, the financial implications should not be a stumbling block on the road to enhanced participation for indigenous peoples at the United Nations.

IV. Existing practices within the United Nations regarding participation of non-member States, intergovernmental organizations, non-governmental organizations and other entities

A. Observer status in the General Assembly

48. The General Assembly may determine its own rules with respect to the granting of observer status. In accordance with current practice of the General Assembly, in line with General Assembly decision 49/426 of 9 December 1994:

> The granting of observer status in the General Assembly should in future be confined to States and to those intergovernmental organizations whose activities cover matters of interest to the Assembly.

and under General Assembly resolution 54/195 of 17 December 1999:

> In future, any request by an organization for the granting of observer status in the General Assembly will be considered in plenary session after the consideration of the issue by the Sixth Committee of the General Assembly;
>
> The Secretary-General [is requested] to take appropriate measures to bring to the attention of all the States Members of the General Committee and General Assembly the criteria and procedures laid down by the General Assembly

whenever a request is made by an organization seeking observer status in the General Assembly.

49. Document A/INF/70/5 provides a list of non-member States, entities and organizations having received a standing invitation to participate as observers in the sessions and the work of the General Assembly. The specific rights of each observer with respect to their participation, for example, rights to speak, co-sponsor resolutions, raise points of order, are determined either by the specific resolution conferring observer status to the observer or by the current practice of the General Assembly. There are some intergovernmental organizations, such as specialized agencies and related organizations, that participate in the General Assembly as observers through an agreement between the United Nations and the organization.

B. Accreditation to the Economic and Social Council and the Human Rights Council

50. As is detailed in the report of the Secretary-General of 2012 on ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them (A/HRC/21/24), there are specific rules regulating the participation of non-governmental organizations (Economic and Social Council resolution 1996/31) in the Economic and Social Council which have been adopted by the Human Rights Council.

51. There are also unique participation rules and specific accreditation procedures for national human rights institutions in the Human Rights Council that are, notably, independent of States (see for example Human Rights Council resolution 5/1 and Commission on Human Rights resolution 2005/74 as well as General Assembly resolution 65/281 on the review of the Human Rights Council and its annex).

C. Ad hoc participation in specific United Nations committees, meetings and the like

52. Additional specific modalities to enable civil society participation are set out in specific resolutions relating to specific committees, meetings and conferences associated with the General Assembly, including, by way of example, General Assembly resolution 66/296 on the organization of the high-level plenary meeting of the sixty-ninth session of the General Assembly, to be known as the World Conference on Indigenous Peoples. Another example is the General Assembly resolution on the format and organizational aspects of the high-level forum on sustainable development (resolution 67/290).

V. Unique existing procedures to facilitate participation by indigenous peoples in the United Nations

53. Existing procedures to facilitate participation by indigenous peoples in the United Nations are:

- Procedures to enable indigenous participation in the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples (see the report of the Secretary-General of 2012 on ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them (A/HRC/21/24)). Member States and indigenous peoples both attend as observers in meetings of the Expert Mechanism on the Rights of Indigenous Peoples.

- Procedures that permit the appointment of indigenous co-facilitators or advisers in processes that directly address indigenous peoples such as in the World Conference on Indigenous Peoples and in this current process led by the President of the General Assembly.

- Practices that support indigenous peoples' participation in various United Nations bodies as set out in the thematic paper prepared by the Inter-Agency Support Group on Indigenous Peoples' Issues, entitled "The Participation of Indigenous Peoples in the United Nations" (June 2014).

Annex II

Potential elements for discussion during the seventy-first session of the General Assembly

Element	*Content*
Background	The process will be guided by the Charter of the United Nations. Commitment to respect, promote and advance and in no way diminish the rights of indigenous peoples and to uphold the principles of the Declaration on the Rights of Indigenous Peoples (Declaration). To be guided by the Declaration; articles 3, 5, 18, 19, 20, 32, 33, 39, 41 and 42 isolate some of the key principles, such as that indigenous peoples have the right to participate in all decision-making that impacts on indigenous peoples: In particular its article 18, which affirms that indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by them in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions; and article 41, which establishes that the United Nations shall contribute to the full realization of the provisions of the Declaration, including through ways and means of ensuring participation of indigenous peoples on issues affecting them. To recall the decision of the General Assembly, in the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, by which it committed to considering ways to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, including any specific proposal made by the Secretary-General in this regard (resolution 70/232, eighth preambular paragraph). To further recall General Assembly resolution 70/232 of 23 December 2015 (in particular paragraph 19), in which the Assembly requested the President of the General Assembly to conduct, within existing resources, timely, inclusive, representative and transparent consultations with Member States, indigenous peoples' representatives and institutions from all regions of the world, and existing relevant mechanisms of the United Nations, on the possible measures necessary, including procedural and institutional steps and selection criteria, to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, and also requested the President to prepare a compilation of the views presented during the consultations, including good practices within the United Nations regarding indigenous peoples' participation, which would form the basis for a draft text to be finalized and adopted by the Assembly during its seventy-first session.

Element	*Content*
	To recall Human Rights Council resolution 18/8, in which the Council requested the Secretary-General, in cooperation with the Office of the United Nations High Commissioner for Human Rights, the Office of Legal Affairs and other relevant parts of the Secretariat, to prepare a detailed document on the ways and means of promoting participation at the United Nations of recognized indigenous peoples' representatives on issues affecting them, given that they are not always organized as non-governmental organizations, and on how such participation might be structured, drawing from, inter alia, the rules governing the participation in various United Nations bodies by non-governmental organizations (including Economic and Social Council resolution 1996/31) and by national human rights institutions (including Human Rights Council resolution 5/1 and Commission on Human Rights resolution 2005/74), and to present it to the Council at its twenty-first session. To further recall Human Rights Council resolution 21/24, by which the Council noted with appreciation the report of the Secretary-General on the ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them (A/HRC/21/24) and invited the General Assembly to consider the issue. To take note of the outcome document of the Alta Conference (A/67/994, annex), in which indigenous peoples and nations representing the seven global geopolitical regions, including representatives of the women's caucus and the youth caucus, made collective recommendations to the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples and called for, at a minimum, a permanent observer status for indigenous peoples within the United Nations system, as well as other contributions made by indigenous peoples to this consultation process. To recall the report of the Secretary-General on progress made in the implementation of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples (A/70/84-E/2015/76). To reaffirm the status and territorial integrity of States as set out in the Charter of the United Nations as well as in article 46 of the Declaration; the consultation process does not aim to alter the exclusive right of States Members of the United Nations to membership in the General Assembly or other United Nations bodies or the status and territorial integrity of States as set out in the Charter and confirmed in the Declaration.
Venues of participation	Options include participation by indigenous peoples' representative institutions: (a) In the General Assembly and, as appropriate, its subsidiary bodies, and/or

Element	*Content*
	(b) In specific meetings of the General Assembly and its subsidiary bodies (for example the Third Committee dialogue with the Special Rapporteur on the rights of indigenous peoples) and/or (c) In United Nations conferences convened by the General Assembly and/or (d) The General Assembly would: • Invite the Human Rights Council to enhance the participation of indigenous peoples' representative institutions including in its meetings that are focused on rights of indigenous peoples (in particular the dialogue with the Special Rapporteur on the rights of indigenous peoples and the annual half-day discussion on the rights of indigenous peoples, which are held at every September session of the Human Rights Council), and/or • Invite the Economic and Social Council to enhance the participation of indigenous peoples' representative institutions including in its sessions and its subsidiary bodies that focus on rights of indigenous peoples, and/or • Invite United Nations programmes and funds and the specialized agencies to enhance the participation of indigenous representative institutions.
Participation modalities	May be different according to venue and/or conference. A set number of speaking spots for accredited observer indigenous peoples' institutions could be created. General Assembly separate observer status could be tailored specifically to indigenous peoples' representative institutions: • Speaking rights: a set number of speaking spots for accredited indigenous peoples' representative institutions could be created based on: • Geographical/regional distribution and/or • The usual procedures and practices of indigenous peoples • Right to make written submissions. Recommendations with respect to other bodies, including the Human Rights Council and the Economic and Social Council and its subsidiary bodies, might include: • Accommodation of contributions by national human rights institutions in the sessions of the Human Rights Council could form an example for the participation of indigenous peoples' representative institutions: this would include the right to make written submissions and make oral statements. The national human

Element	*Content*
	rights institutions are entitled to speak immediately after the State under review during the adoption of the outcome of a universal periodic review of that State by the Human Rights Council in the plenary meeting and immediately after the relevant State that is the subject of a country report by a Special Procedures mandate holder during the Council's interactive dialogue with the latter • Specific seating rights • Relaxing limitations on speaking rights: Speaking precedence over non-governmental organizations on issues concerning indigenous peoples; and/or The modalities for participation should not fall below those of non-governmental organizations accredited to the Economic and Social Council.
Recognition/selection mechanism	A new body of experts appointed by States and indigenous peoples to recognize indigenous peoples' representative institutions: • Majority indigenous or • Majority States or • Equal numbers of indigenous and States and/or • Selection processes like selection for the members of the Permanent Forum on Indigenous Issues and/or • Permanent Forum on Indigenous Issues. Placement under either the General Assembly or the Economic and Social Council but with authority to determine eligibility of entities for participation also in the General Assembly. Regional representation would need to be considered, and the possibility of using the seven indigenous geo-cultural regions rather than the five geographic regions usually represented at the United Nations could be explored. The General Assembly may reserve the right to approve the selection of the indigenous peoples' institutions.
Selection criteria	The institution should be genuinely representative of one or more indigenous peoples, tribes, communities or nations. There need to be criteria to determine whether an entity is: (a) Genuinely representative; (b) Of one or more peoples, tribes, communities or nations that are in fact indigenous.

Element	*Content*
	The recognized indigenous peoples' representative institutions themselves determine on an independent basis the particular persons who are authorized to act on their behalf. General criteria should be flexible to allow the recognition/selection body to develop through its practice. Determination of whether or not a people, tribe, community or nation is in fact indigenous should be made taking into account the diversity of circumstances around the world. Specific factors to be flexibly considered, in accordance with current practice within the United Nations system, include: • Self-identification (important/essential factor) • State recognition (a significant but not a determinative factor) • Relationship with lands, territories and resources • Cultural distinctiveness • Exercise of collective rights • Practice of self-government • Have entered into treaties, agreements or other constructive arrangements.
Current practices	The distinct participatory rights of indigenous representative institutions would not affect the established practice by which other entities, such as non-governmental organizations having consultative status with the Economic and Social Council, participate in United Nations meetings or by which indigenous peoples, groups and individuals participate in sessions of the Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues.